

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:	)	No. B-10-80636 C-13D
Lee T. Dixon	)	
Janet L. Dixon	)	
	)	
Debtor(s)	)	

**ORDER GRANTING MODIFICATION OF PLAN**

On September 22, 2011, a hearing was held on Motion by the Debtors to modify their Chapter 13 plan pursuant to 11 U.S.C. §1329 and providing that the balance of the secured claim of Security Financial Services (“SFS”) on the Debtors’ 2002 Chevrolet (“the automobile”) shall be paid from insurance proceeds such that the automobile was involved in a collision and declared a total loss. At the hearing, Koury Hicks, Esq. appeared on behalf of the Debtors, and Richard M. Hutson II, Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtors’ circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion by the Debtors pursuant to 11 U.S.C. §1329 is granted.
2. The remaining secured claim of SFS having a principal balance of \$1,963.70 plus interest at the rate of 5.25% per annum from April 30, 2011, shall be satisfied from insurance proceeds and such proceeds shall be paid by the insurance carrier directly to SFS.
3. Upon receipt of the insurance proceeds, SFS shall release its lien on the automobile and forward the certificate of title to the automobile directly to the insurance carrier.
4. Excess insurance proceeds shall be paid to the Debtors for the purpose of obtaining alternate transportation.
5. The Debtors’ plan payments are scheduled at \$1,182.00 per month beginning September, 2011, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.
6. Any default in payments prior to September, 2011, under the plan is waived and the plan shall be extended to the term necessary to pay the delinquent amount.
7. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtors’ plan.

**PARTIES IN INTEREST**

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